

UNITED STATES DISTRICT COURT

# Middle District of North Carolina

CHRISTOPHER LEE NEAL )  
Petitioner, )

**V.**

UNITED STATES OF AMERICA, )  
 )  
 Respondent. )

1:05CV689  
2:94CR300-2

O-R-D--E-R

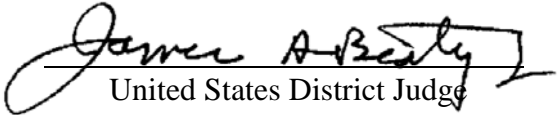
On August 8, 2005, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties in this action and a copy was given to the court.

Within the time limitation set forth in the statute, Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court hereby adopts the Magistrate Judge's Recommendation.

IT IS HEREBY ORDERED that Petitioner's Rule 60(b) motion (docket no.1) be construed as a second or successive Section 2255 action and that this action be

DISMISSED for failure to obtain certification from the Fourth Circuit as required by 28 U.S.C §§ 2244 and 2255 and Fourth Circuit Local Rule 22(d). A judgment dismissing this action will be entered contemporaneously with this Order.

  
United States District Judge

DATE: December 28, 2005